

## REMARKS

This Amendment is submitted pursuant to 37 C.F.R. Section 1.116.

The amended claims presented above comply with that rule because:

1. Certain claims were amended to comply with a requirement of form expressly set forth in the Office Action mailed July 23, 2007; and
2. The amended claims are in condition for allowance or in better form for consideration on appeal.

Claims 1 through 16, 20 through 26, 30 through 49, 53 through 59, and 63 through 78 are pending in the application. In the Office Action mailed July 23, 2006, the Examiner:

- Objected to claims 1 through 16, 20 through 26, 30 through 33, and 67 through 72 because the Examiner found an inconsistency with the analogous method claims.
- Rejected claims 1 through 16, 20 through 26, 30 through 32, 34 through 49, 53 through 59, 63 through 65, 71, 72, 77, and 78 under Section 103(a) as being unpatentable over United States Patent No. 6,364,829 to Fulghum in view of United States Patent No. 6,061,591 to Freitag.
- Rejected claims 67 through 70 and 73 through 76 under Section 103(a) as being unpatentable over United States Patent No. 6,364,829 to Fulghum in view of United States Patent No. 6,061,591 to Freitag, in further view of United States Published Patent Application No. 2002/0049386 to Yang.
- Rejected claims 33 and 66 under Section 103(a) as being unpatentable over United States Patent No. 6,364,829 to Fulghum in view of United States Patent No. 6,061,591 to Freitag, in further view of United States Published Patent Application No. 2002/0049375 to Strommer.

Applicant by this paper:

- Amends claims 1 through 5, 7 through 11, 14, 20, 23, 30, 34, 40 through 43, 53, and 67 through 70; and
- Cancels claims 16, 26, 49, 59 71, 72, 77, and 78.

### **Informality Rejection**

Applicant amended claim 1 in pertinent part as: “means for simultaneously performing at least one additional second assessment of the target as a transparent background task to determine if the target is in a normal state or an abnormal state”. This amendment was made at the request of the Examiner, as requested in Paragraph 3, page 3, of the pending Office Action.

### **Section 103 Rejections**

Applicant respectfully requests that the Examiner reconsider his interpretation of Fulghum. The present application recites “a white-light imaging assessment” (claim 1) or “a white light imaging mode” (claim 34). Applicant stated at page 1, line 24 of the application: “White light means a broad spectrum or combination of spectra in the visible range.”

The Examiner concludes that Fulghum teaches “a first step of assessing based on a white light imaging mode, comprising white light imaging (Fig. 4, Items 412) . . .” *See* Office Action at page 4, section 5, second paragraph.

Fulghum, however, does not teach white-light imaging. Fulghum describes his Step 412 as: “FIG. 4 illustrates a process sequence 400 after a patient has been prepared the endoscope inserted into the body cavity or human and the distal end thereof has been positioned for imaging of a region of interest. In this particular example, a visible reference image is obtained 402. This

reference data is corrected 404, a histogram is generated 406, the data is normalized 408, selected pixels are reset 410 and a threshold value is applied 412.” (Fulghum at column 10, lines 14-27)

Fulghum’s “visible reference image”, however, is not a white-light image, it is a red-light image. Fulghum is quite clear on this point: “Visible red light, to which the imaging detector is very sensitive, is chosen to illuminate the tissue for the purpose of acquiring a reference image.” (Fulghum at column 3, lines 25-27)

Furthermore, Fulghum’s Figure 10a clearly labels the reference light source as “RED”. Figure 10b shows the reference light to be red. The accompanying discussion refers to the “red reference reflectance image”. (column 14, lines 66-67)

Moreover, Fulghum uses the acquired reference image to normalize a fluorescence image (column 3, lines 34-38). Accordingly, Fulghum does not teach simultaneously performing at least one additional second assessment of the target as a transparent background task, as claimed in claim 1 (and similarly in claim 34).

Accordingly, Applicant respectfully requests that the Examiner reconsider his interpretation of Fulghum. Fulghum does not describe white-light imaging as a reference and the claims of the present application are therefore allowable over the combination of Fulghum and Freitag.

Additionally, the art of record does not describe indicating a suspect region on said white light image by at least one of highlighting said suspect region and delineating said suspect region (as recited in claims 1 and 34). Please note that this limitation was previously recited in claims 8 and 41. The Examiner recognized that this limitation is not taught in the prior art, as the rejections of claims 8 and 41 were on other bases. Accordingly, this amendment does not

present new matter and does not require further consideration or search.

### **Summary**

The prior art of record does not teach the limitations of the independent claims. Fulghum describes use of a visible red light reference image, not a white light image. Additionally, the prior art of record does not teach indicating a suspect region by highlighting the suspect region or by delineating the suspect region.

The claims are therefore allowable over the prior art. Applicant accordingly respectfully requests allowance of the pending claims.

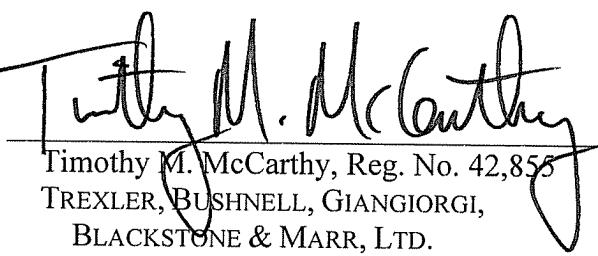
Applicant believes no fee is required. If the Examiner disagrees, the United States Patent and Trademark Office is hereby authorized and requested to charge the fee associated with this Response to the deposit account of the undersigned firm, Account No. 20-1495.

Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact the undersigned attorney at (312) 704-1890.

Respectfully submitted,

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By:



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